

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. 04-3160-01-CR-S-FJG
Jimmie D. Poe,	)	
	)	
Defendant.	)	

**ORDER**

Pending before the Court is defendant's motion to suppress evidence (Doc. #21), filed April 7, 2005, plaintiff's response in opposition (Doc. #22), filed April 21, 2005, and defendant's reply (Doc. #26), filed May 20, 2005.

On July 1, 2005, United States Magistrate Judge James C. England entered a report and recommendation (Doc. #33) which recommended denying the above-mentioned motion. Exceptions to Magistrate England's report and recommendation were filed on July 26, 2005 (Doc. #36).

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's discussion and conclusions. Therefore, the Court finds that defendant's motion to suppress evidence (Doc. #21), filed April 7, 2005, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress evidence (Doc. #21), filed April 7, 2005, is denied.

/s/Fernando J. Gaitan, Jr.  
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Judge Fernando J. Gaitan, Jr.  
United States District Judge

Dated: August 3, 2005  
Kansas City, Missouri